

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions
reverse)

For use by Secretary of State only

STD. 400 (REV. '4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-07-1226-02	REGULATORY ACTION NUMBER 2008-0710-025	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY

Department of Consumer Affairs, Bureau of Automotive Repair

AGENCY FILE NUMBER (if any)

99

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER ()	FAX NUMBER (Optional) ()
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/ Withdrawn		NOTICE REGISTER NUMBER 08-#2-2	PUBLICATION DATE 1-11-2008

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) CAP Vehicle Retirement Option Eligibility Revisions	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTION(S) AFFECTED (List all section number(s) individually)	ADOPT
	AMEND Title 16, Section 3394.4
	REPEAL
TITLE(S) 16	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal of disapproved or with- drawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))	<input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.				
<input type="checkbox"/> Print Only	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Other (specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

May 30 - June 16, 2008

5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Virginia Vu	TELEPHONE NUMBER (916) 255-2135	FAX NUMBER (Optional) (916) 255-1369	E-MAIL ADDRESS (Optional)
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8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



TYPED NAME AND TITLE OF SIGNATORY

Carrie Lopez, Director Department of Consumer Affairs

DATE

7-9-08

BUREAU OF AUTOMOTIVE REPAIR

The Bureau of Automotive Repair hereby adopts the following regulation in Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations:

- (1) Amend Section 3394.4 of Article 11 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, to read as follows:

§ 3394.4. Eligibility Requirements.

* * * *

(c) In order to qualify for participation in the Vehicle Retirement option of the Consumer Assistance Program, at the time of application, a vehicle must:

- (1) Be currently registered with the Department of Motor Vehicles; or,
- (2) Be currently operating under a repair cost waiver or economic hardship extension issued by the Bureau of Automotive Repair; or,
- (3) Be currently operating under a Temporary Operating Permit issued by the Department of Motor Vehicles; or,
- (4) (A) Until June 30, 2009, nNot have a registration that has been expired for more than ~~120~~ one hundred eighty (180) days after the date the application is postmarked;
- (B) Beginning July 1, 2009, not have a registration that has been expired for more than one hundred twenty (120) days after the date the application is postmarked; and
- (5) Have been continuously registered as an operable vehicle with the Department of Motor Vehicles for the twenty-four (24) months immediately preceding the current registration expiration date; and
- (6) (A) Until June 30, 2009,hHave failed a biennial smog check inspection no later than one hundred ~~and twenty (120)~~ eighty (180) days after the expiration of the vehicle's most current renewal of registration with the Department of Motor Vehicles, provided that the registration renewal date is not more than ~~120~~ one hundred eighty (180) days prior to the postmarked date on the application, and that the failure is for causes other than an ignition timing adjustment, a failed gas cap functional test, or a non-emission related failure identified by the malfunction indicator light;
- (B) Beginning July 1, 2009, have failed a biennial smog check inspection no later than one hundred twenty (120) days after the expiration of the vehicle's most current renewal of

registration with the Department of Motor Vehicles, provided that the registration renewal date is not more than one hundred twenty (120) days prior to the postmarked date on the application, and that the failure is for causes other than an ignition timing adjustment, a failed gas cap functional test, or a non-emission related failure identified by the malfunction indicator light; and

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NOTE: Authority cited: Sections 44001.3, 44001.5 and 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44005, 44010.5, 44011, 44012, 44014.7, 44015, 44017, 44017.1, 44037.1, 44062.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.